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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,386	04/12/2004	William J. Johnson	022273-000400US	3386

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EXAMINER	
MARC, MCDIEUNEL	
ART UNIT	**PAPER NUMBER**
3661	

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/823,386	JOHNSON, WILLIAM J.	
	Examiner	Art Unit	
	McDieunel Marc	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *14-20* is/are allowed.

6)☒ Claim(s) *1-4,6-8,10,12 and 13* is/are rejected.

7)☒ Claim(s) *5,9 and 11* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/22/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination.

2. The abstract of the disclosure is objected to because the tile should be deleted on top of the abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 6-8, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kubbler *et al.*** (U.S. Pat. Pub. US **20040264442A1**).

As per claim 1, teaches a method for automatically sending situational location dependent delivery information from a server to a receiving system (see fig. 45), said method comprising the steps of: registering said receiving system over an internet connection with said server for eligibility to receive said delivery information at said receiving system [sections 0292 and 0300]; automatically requesting said server, by said receiving system over an internet connection to said server [section 0300], to search for said delivery information with a situational location of said receiving system,

said situational location automatically determined at said receiving system [sections 0353 and 0354]; automatically determining by said server that said receiving system is eligible to receive said delivery information [section 0359, particularly (As this process takes place, a report can also be generated via a peripheral or premises LAN printer at the destination dock for receipt signature. Similarly, the peripheral LAN modem on the destination dock can relay the delivery information back to the host computer)]; automatically retrieving from a deliverable content database by said server said delivery information according to said situational location [sections 0359 and 0434, particularly, gather additional information needed and from the inventory information, the inventory computer 4511 generates purchase orders for subsequent delivery, automating the entire process], which implies the system contains a content database; and automatically sending said delivery information from said server to said receiving system over an internet connection [see abstract and section 0107].

It would have been obvious to one of ordinary skill in the art at the time of the invention to introduce the use of the Internet that had been recognized by Kubbler *et al.* as an important feature of the invention, because the use of the Internet being considered as means for sending and receiving delivery information the host/server, thereby improving the efficiency and the reliability of the system and method for proactive content delivery by situational location.

As per claim 2, **Kubbler *et al.*** teaches a method that further including the step of presenting said delivery information to a user interface of said receiving system [see abstract and section 0107 as described above].

As per claims 3 and 10, **Kubbler *et al.*** teaches a method that further including the step of automatically determining a candidate delivery event movement of said receiving system by said receiving system [section 0359 as described above], said candidate delivery event movement causing said step of automatically requesting said server [section 0300], by said receiving system over an internet connection to said server, to

search for said delivery information with a situational location of said receiving system [sections 0353 and 0354 as described above].

As per claim 4, Kubbler *et al.* teaches a method that further including the step of maintaining a history of delivery information sent [see section 0435 and 0455].

As per claim 6, Kubbler *et al.* teaches a method wherein said delivery information is a content delivery indicator for user selection to retrieve associated delivery content and [see abstract and section 0485].

As per claim 7, Kubbler *et al.* teaches a method wherein said delivery information is a content delivery indicator indicating existence of delivery content [see abstract and section 0485].

As per claim 8, Kubbler *et al.* teaches a method wherein said delivery information is a content delivery indicator indicating that delivery content was too large in size to be delivered [see section 0486].

As per claim 12, Kubbler *et al.* teaches a method wherein said receiving system is used to configure said deliverable content database over an internet connection [see abstract and section 0107 as described above].

As per claim 13, Kubbler *et al.* teaches a method further that comprising the step of monitoring for a user action at said receiving system, said user action for enabling or disabling subsequent delivery of said delivery information to said receiving system [see section 0359 particularly preventing delivery of unwanted goods].

Allowable Subject Matter

5. Claims 14-20 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fail to tech or fairly suggest with respect to claim 14 a method for automatically presenting situational location dependent information to a user interface of a receiving system, comprising the step of determining a physical location of said receiving system with triangulation measurements between said receiving system and a plurality of base stations; with respect to claim 19, a method for automatically sending situational location dependent information from a server to a receiving system, comprising the steps of determining a physical location of said receiving system with triangulation measurements between said receiving system and a plurality of base stations in combination with the other elements of the claimed invention.

7. Claims 5, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fail to tech or fairly suggest with respect to claim 5, a method that further including the step of using said history to prevent sending redundant delivery information; with respect to claim 9, a method that further including the step of automatically communicating to an other system from said receiving system upon user selection of an invocable speed reference, said speed reference part of said delivery information; and with respect to claim 11, a method wherein said server uses application specific fields together with said situational location to search for, and

retrieve, said delivery information in combination of the other elements of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to McDieunel Marc whose telephone number is (703) 305-4478. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

McDieunel Marc

Friday, January 14, 2005

MM/

THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600